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UNITED STATES DISTRICT COURT

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Northern District of California

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San Jose Division

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MICHAEL GIOSSO,
Plaintiff,

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v.

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OWENS CORNING, et al.,
Defendants.

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No. C 09-5834 CRB

**ORDER DENYING REQUEST FOR
DEFENDANT'S REPRESENTATIVE
TO ATTEND THE MEDIATION
TELEPHONICALLY**

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Date: As yet unscheduled
Mediator: Michael Timpane

IT IS HEREBY ORDERED that the request for defendant Owens Corning's representative, James Gibb, to be excused from personally attending the as yet unscheduled mediation session before Michael Timpane is DENIED. The court finds that Mr. Gibb has not demonstrated that his personal attendance at the mediation would "impose an extraordinary or otherwise unjustifiable hardship" in accordance with ADR L.R. 6-10(d). Accordingly, the court DENIES Mr. Gibb's request to be relieved from compliance with the ADR Local Rules and ORDERS Mr. Gibb to appear at the mediation in person.

Since the mediation has not yet been scheduled and the parties are having difficulty with scheduling, the court strongly encourages the parties to seek a date on which the key decision makers are available, even if it means seeking an extension of the deadline to complete the mediation.

IT IS SO ORDERED.

September 7, 2010

By:

Dated

Elizabeth D. Laporte
Elizabeth D. Laporte
United States Magistrate Judge